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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,945	01/17/2001	Tze Chung Kao	USP1278A-TZ2	7078

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EXAMINER

CARLSON, JEFFREY D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/764,945

Applicant(s)

KAO, TZE CHUNG

Examiner

Jeffrey D. Carlson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: 

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7, 39, 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 7 lines 24-25 cannot be fully understood.
- Claim 39, there is no antecedent basis for "said world".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-4, 10, 11, 16, 17, 25, 26, 33, 34, 39, 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Dukask et al (WO 01/45065). Dukask et al teaches clients (service centers) taken to be from different regions which are connected

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to a central control center by a network 348 Internet [pg 49]. Advertisers upload their advertisements and scheduling/timing criteria to the central control which downloads the content and control information to the appropriate regional control which operates the remote electronic billboard (poster) where the ads are displayed at the appropriate time(s). The posters display the digital ads according to the scheduling information. Various advertisers can request their advertising with various schedules and various requested locations; the system inherently includes a determining, booking, affirming and confirmation system which enables these different ad schedules to co-exist. The size of the ads are inherently defined by the content of the ads. Text ads have a size as defined by the number of words; a 5 word ad can be described as being a 5-word size ad. Dukask et al teaches real time ads on page 12. Dukask et al teaches providing an ad identifier for each ad on page 36. Regarding claims 33, 34, page 9 teaches a local sensor which feeds back information about the local display area.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-9, 12-15, 18-24, 27-32, 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dukask et al.

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Regarding claims 7-9, Official Notice is taken that it is well known to base the timing of ads based on the type of product. It would have been obvious to one of ordinary skill at the time of the invention to have suggested that ads for children's products/services be displayed during the day on weekends when the children are not in school, for example so that the timing of the ad display is more effective.

Regarding claims 12-15, Official Notice is taken that it is well known for businesses to create their own advertisements or to outsource such creative work. It would have been obvious to one of ordinary skill at the time of the invention to have provided ad-creation services so that the business desiring advertising does not have to design the creative ads themselves.

It would have been obvious to one of ordinary skill at the time of the invention to have stored the received orders for advertising in a database so that the orders can be logged and processed. It is well known and would have been obvious to one of ordinary skill at the time of the invention to have created order identifiers with each order so that the orders can be carried out and billed for in a computerized fashion.

Regarding claim 22, 24, the requested ad content inherently includes a selected language – the language selected by the requestor.

Regarding claim 29-32, Dukask et al teaches plural ads to be shown in one location [fig 49]. This is taken as a teaching to share the billboard display space, however, it would have been obvious to one of ordinary skill at the time of the invention to have displayed two different ads on the same screen so that more ads can be shown at once, creating more ad revenue.

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7. Claims 5, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dukask et al in view of Rakavy et al (US6317789). Rakavy et al teaches automated translation of advertising content into other languages. It would have been obvious to one of ordinary skill at the time of the invention to have provided such a feature with that of Dukask et al so that ad content can be displayed in different languages, increasing the effectiveness of the ads in areas where different languages are spoken.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hunter also teaches a system where ads can be sent to a central host and then transmitted to various remote display screens according to schedules.
- Giraud teaches remotely displayed ads with motion sensors.
- Lutterbach teaches remotely remotely displayed electronic billboards with camera that monitor the local area.
- Cohen teaches remote electronic billboards controlled by a central host according to location and schedule.

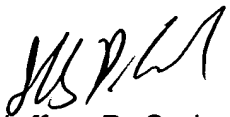
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 703-308-

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3402. The examiner can normally be reached on Mon-Fri 8:30-6p, (off on alternate Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Jeffrey D. Carlson
Primary Examiner
Art Unit 3622

jdc